

# Exhibit 10

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

VIRTAMOVE, CORP., Plaintiff,	§	
	§	Case No. 2:24-cv-00093-JRG
	§	(Lead Case)
v.	§	
	§	
HEWLETT PACKARD ENTERPRISE COMPANY,	§	<b>JURY TRIAL DEMANDED</b>
Defendant.	§	
	§	
	§	
	§	

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VIRTAMOVE, CORP., Plaintiff,	§	
	§	Case No. 2:24-CV-00064-JRG
	§	(Member Case)
v.	§	
	§	
INTERNATIONAL BUSINESS MACHINES CORP.,	§	<b>JURY TRIAL DEMANDED</b>
Defendant.	§	
	§	
	§	
	§	

**DECLARATION OF PAUL O'LEARY IN SUPPORT OF PLAINTIFF VIRTAMOVE,  
CORP.'S OPPOSITION TO MOTION TO TRANSFER VENUE**

I, Paul O'Leary, declare and state as follows:

1. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. I currently work as an IT consultant and Owner for 592 Consulting, Inc.

3. I currently reside at [REDACTED] Kanata, ON, Canada, K2K 1V5.

4. I am a named inventor on U.S. Patent Nos. 7,519,814 and 7,784,058.

5. I am willing and expect to travel to Texas for the cases *VirtaMove, Corp. v. Amazon.com, Inc.*, No. 7:24-cv-30 (W.D. Tex); *VirtaMove, Corp. v. Google LLC*, No. 7:24-cv-33 (W.D. Tex); *VirtaMove, Corp. v. International Business Machines Corp.*, No. 2:24-cv-64 (E.D. Tex); and *VirtaMove, Corp. v. Hewlett Packard Enterprise Company*, No. 2:24-cv-96 (E.D. Tex). I expect to regularly travel to Texas to prepare for, attend hearings in, and testify in these cases, so I would not find travel for any one specific case in Texas to be inconvenient if I will be in Texas for other cases anyway. I have no specific plans to travel to the NDCA.

6. I would prefer to travel to Texas for trial instead of to the Northern District of California because I believe Texas will be both less expensive and closer.

7. For expenses, I have estimated my per-diem rates using the GSA website, and San Francisco looks to be more than twice or 3 times as expensive, depending on the month. Below are true and correct screenshots of the GSA estimated rates for Marshall, Texas and San Francisco, CA from:

[https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems\\_report&fiscal\\_year=2024&state=CA&city=San+Francisco](https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024&state=CA&city=San+Francisco), and  
[https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems\\_report&fiscal\\_year=2024&state=TX&city=Marshall](https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-results?action=perdiems_report&fiscal_year=2024&state=TX&city=Marshall).

**FY 2024 Per Diem Rates for San Francisco, California**Change fiscal year: **2025** 2024 **2023** or [New Search](#)**Daily lodging rates (excluding taxes) | October 2023 - September 2024**

Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

Showing 1 to 1 of 1 entries

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
San Francisco	San Francisco	\$288	\$288	\$288	\$333	\$333	\$333	\$270	\$270	\$270	\$270	\$270	\$288

**FY 2024 Per Diem Rates for Marshall, Texas**Change fiscal year: **2025** 2024 **2023** or [New Search](#)**Daily lodging rates (excluding taxes) | October 2023 - September 2024**

Cities not appearing below may be located within a county for which rates are listed. To determine the county a destination is located in, visit the [Census Geocoder](#).

Showing 1 to 1 of 1 entries

Primary Destination	County	2023 Oct	Nov	Dec	2024 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Standard Rate	Applies for all locations without specified rates	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107


8. If I needed to travel a whole week for trial plus several days of preparation, then I estimate the resulting cost difference to be substantially less expensive in Marshall, Texas.

9. I have used the website [www.travelmath.com](http://www.travelmath.com) to estimate my straight-line flying times between Kanata, ON, Canada to both Marshall, Texas and to San Francisco, California. The following are true and correct excerpts showing that the estimated travel times and travel distances are more convenient for Marshall, Texas (3 hours, 9 minutes to travel 1,323 miles) as compared to

San Francisco (4 hours, 52 minutes to travel 2,435 miles).

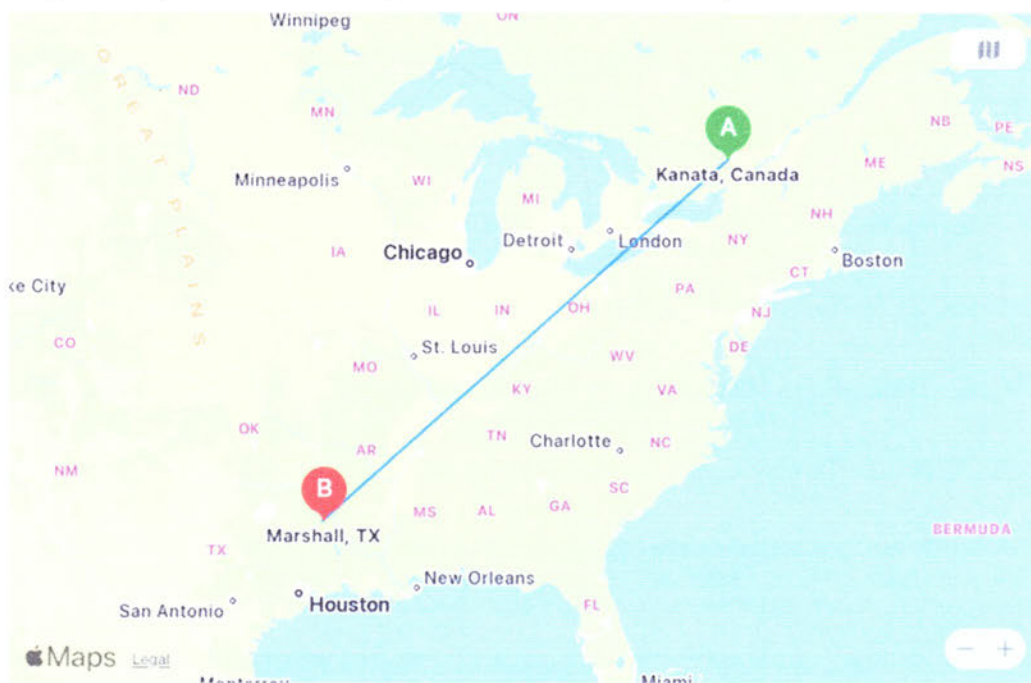
The flight time from Kanata, Ontario to Marshall, Texas is:

**3 hours, 9 minutes**

<b>From:</b> Kanata, Canada		<b>Get:</b> flight time ▾
<b>To:</b> Marshall, TX	round-trip ▾	
<b>Depart:</b> 09/10/2024		<b>From:</b> Kanata, Canada
<b>Return:</b> 09/16/2024		<b>To:</b> Marshall, TX
<b>Get:</b> flight ▾	 <b>SEARCH</b>	<b>CALCULATE</b>

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Flight map from Kanata, Canada to Marshall, TX



Open this map directly on [Google Maps](#). For a quick answer, you can use TheDistanceNow.com to get the [distance from Kanata to Marshall](#).

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## Flying time from Kanata, Canada to Marshall, TX

The total flight duration from Kanata, Canada to Marshall, TX is **3 hours, 9 minutes**.

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

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If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Kanata, Canada and Marshall, TX](#).

The calculation of flight time is based on the straight line [distance from Kanata, Canada to Marshall, TX](#) ("as the crow flies"), which is about **1,323 miles** or **2 129 kilometers**.

Your trip begins in Kanata, Canada.

It ends in Marshall, Texas.

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<https://www.travelmath.com/flying-time/from/Kanata,-Canada/to/SFO>



travelmath

DRIVING

DISTANCE

FLYING

TIME



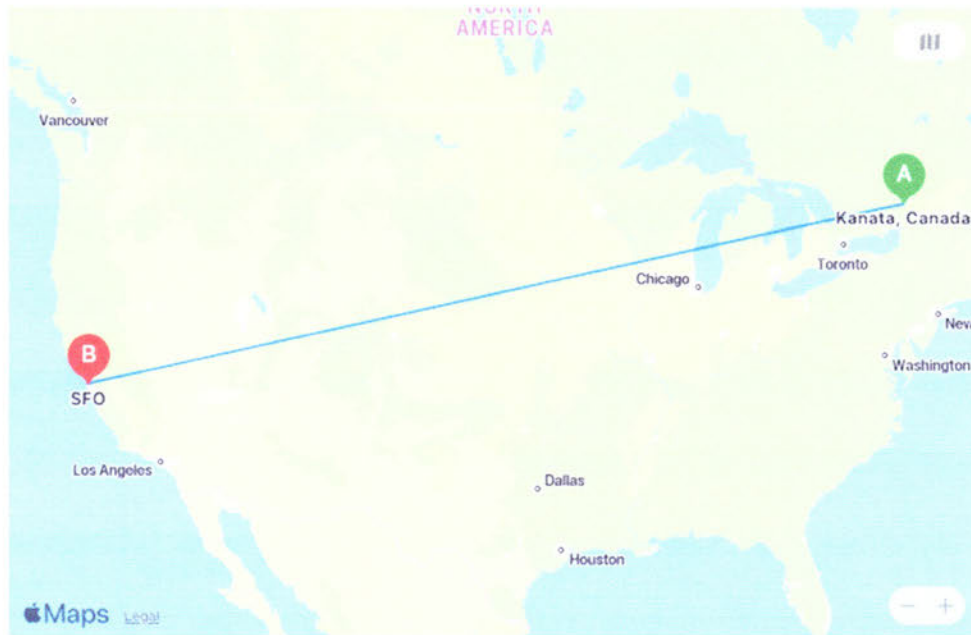
The flight time from Kanata, Ontario to San Francisco International Airport is:

**4 hours, 52 minutes**

From: Kanata, Canada	round-trip ▾	Get: flight time ▾	>
To: SFO		From: Kanata, Canada	
Depart: 06/05/2024		To: SFO	
Return: 06/11/2024			
Get: flight ▾	SEARCH	CALCULATE	

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## Flight map from Kanata, Canada to SFO



Open this map directly on [Google Maps](#).

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## Flying time from Kanata, Canada to SFO

The total flight duration from Kanata, Canada to SFO is **5 hours, 22 minutes**.

This assumes an average flight speed for a commercial airliner of 500 mph, which is equivalent to 805 km/h or 434 knots. It also adds an extra 30 minutes for take-off and landing. Your exact time may vary depending on wind speeds.

If you're planning a trip, remember to add more time for the plane to taxi between the gate and the airport runway. This measurement is only for the actual flying time. You should also factor in airport wait times and possible equipment or weather delays. If you're trying to figure out what time you'll arrive at the destination, you may want to see if there's a [time difference between Kanata, Canada and SFO](#).

...

The calculation of flight time is based on the straight line [distance from Kanata, Canada to SFO](#) ("as the crow flies"), which is about **2,435 miles** or **3 919 kilometers**.

Your trip begins in Kanata, Canada.

It ends at San Francisco International Airport in San Francisco, California.

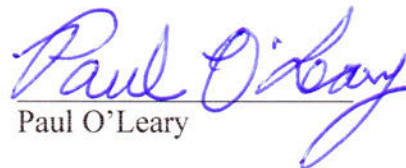
Your flight direction from Kanata, Canada to SFO is **West** (-86 degrees from North).

The flight time calculator measures the average flight duration between points. It uses the great circle formula to compute the travel mileage.

10. Based on these estimates, I believe that my travel to Marshall, Texas will be much more convenient than travel to San Francisco, California because my travel will be less expensive, faster, and closer. For these reasons, I am unwilling to travel to San Francisco, California for trial.

11. I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Executed on Sept. 11, 2024 at the location Kanata, ON.

  
Paul O'Leary